

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  COMPLAINT OF DOUGLAS PALS	DOCKET NO. FCU-2013-0009 (C-2013-0026)
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**ORDER DOCKETING FOR FORMAL PROCEEDING AND  
ASSIGNING TO ADMINISTRATIVE LAW JUDGE**

(Issued July 1, 2013)

**I. BACKGROUND**

On May 23, 2013, Utilities Board (Board) staff issued a proposed resolution in an informal complaint file involving alleged call completion issues, identified as C-2013-0026. Board staff stated it would recommend that the Board docket the complaint for further investigation on its own motion pursuant to Iowa Code § 476.3(1). On May 24, 2013, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) joined in staff's request for a formal proceeding. The Board agrees with its staff and Consumer Advocate that further investigation of this complaint is warranted and will docket this matter for formal proceeding. The record in the informal complaint proceedings to date can be summarized as follows:

In the informal proceeding identified as C-2013-0026, Mr. Douglas Pals filed a complaint with the Board stating that on February 12, 2013, at 2:00 p.m., he attempted to place a call from his home in Clive, Iowa, to a telephone number in West Liberty, Iowa. Mr. Pals stated that the called party did not answer because the

caller identification device (caller ID) on the called party's telephone did not display his name or telephone number. Mr. Pals left a message on the called party's answering machine and when she returned his call, she explained that the caller ID showed the name "BIDAXIS" and a number which was not Mr. Pals' telephone number. Mr. Pals stated that he then performed some test calls and one call went through and others had connection problems. Mr. Pals explained he has had his telephone number, served by Qwest Corporation, d/b/a CenturyLink (CenturyLink), since 1999 and only recently started using his landline phone to make long distance calls after changing his calling plan to unlimited nationwide long distance calling. Mr. Pals reported the problem to CenturyLink. According to Mr. Pals, CenturyLink's technician was familiar with the problem and the name that had displayed on the caller ID. Mr. Pals stated he was not sure if his new calling plan was the cause of the problem and whether CenturyLink or a carrier it used was routing the calls so as to avoid paying for them to be completed. Mr. Pals stated the situation seemed suspect and he would like to see the call completion problems resolved and for the responsible companies to pay appropriate fines and be barred from conducting business.

Board staff commenced an investigation of the complaint, forwarding the complaint to CenturyLink. CenturyLink responded on April 3, 2013, stating that it investigated the problem based on the information provided in the complaint and followed its standard investigation process. CenturyLink explained that its technician

created a trouble ticket to investigate the problems, worked to troubleshoot the issue, and determined that routing of the calls was the issue. CenturyLink's technician removed Bluetone, the underlying carrier involved in the routing path to the called number, and opened a trouble ticket with Bluetone. CenturyLink stated that its technician called Mr. Pals to make a test call to the called number, but was not able to reach him. Based on its own testing, CenturyLink stated the issue was resolved.

Bluetone responded on April 24, 2013, stating that the called number was blocked to allow CenturyLink to reroute the calls to another provider while Bluetone's technicians worked to troubleshoot the problem. According to Bluetone, it reviewed call records and confirmed that the correct calling party's number was received from CenturyLink and forwarded to Bluetone's downstream provider. Bluetone stated further that test calls were completed over Bluetone's network, but testing did not duplicate the problem with the caller ID showing the wrong number and name. Bluetone stated that, as a precautionary measure, it removed its downstream provider from the routing and that adjustment remained in place to allow CenturyLink to route the calls to an alternate provider. In response to staff's request that Bluetone identify its downstream provider, Bluetone provided the name of the provider in an e-mail and asked for confidential treatment of that information, asserting that it maintains confidentiality agreements with its customers and vendors.

In the proposed resolution, staff found that once CenturyLink removed Bluetone from the call routing, test calls completed without issue. Staff also observed

that Bluetone's response indicated that its test calls did not duplicate the information reported by Mr. Pals. Staff observed that customer reports of calls not reflecting the calling party's name and number on caller ID devices is one variation in the growing number of call completion problems being reported to the Board. Staff also noted that some rural carriers believe that call completion problems may relate to the use of least cost routers as intermediate or underlying carriers in the call path. Staff observed that Bluetone's request that the Board treat the identity of Bluetone's underlying carrier as confidential did not comply with the Board's requirements in its rules at 199 IAC 1.9. Staff stated it would recommend that the Board initiate a formal proceeding, in part to establish a docket in which Bluetone could file a proper request for confidential treatment of the identity of its vendor, allowing the investigation to proceed. (At the time staff prepared its proposed resolution, staff had not distributed the e-mail from Bluetone containing the name of its vendor. Staff subsequently forwarded that e-mail to Consumer Advocate pursuant to Iowa Code § 475A.4, which provides that Consumer Advocate has access to all Board files, records, and documents, with certain exceptions.)

On May 24, 2013, Consumer Advocate joined in staff's request for a formal proceeding. Consumer Advocate concurs with staff that there is a reasonable ground for further investigation under the meaning of Iowa Code § 476.1, noting that the problems reported in this complaint are occurring with sufficient frequency to justify investigation. Consumer Advocate argues further investigation is needed regarding

the roles and responsibilities of the different carriers involved in this call path.

According to Consumer Advocate, further investigation is needed regarding the nature of the problem and understanding what caused the calls to fail could reveal ways to prevent the problem. With respect to the identity of Bluetone's underlying carrier, Consumer Advocate agrees with staff that a formal proceeding would give Bluetone an opportunity to request confidential treatment of that information and an opportunity for other parties to resist such a request. Consumer Advocate states it is not clear why the identity of an underlying carrier would be proprietary or why a party to a contract could agree to protect its identity from public disclosure, especially in this context where routing of calls on the public telephone network has failed.

## II. DISCUSSION

As has been observed in recent orders docketing other call completion complaints for further investigation,<sup>1</sup> call completion issues have been increasing in frequency as documented in complaints filed with the Board, especially in rural areas. In this case, a consumer has complained that when he tried to place a call to a location in West Liberty, Iowa, the called party did not answer because her caller ID

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<sup>1</sup> See *In Re: Rehabilitation Center of Allison, Iowa*, Docket No. FCU-2012-0019, "Order Canceling Hearing, Vacating Procedural Schedule, and Assigning to Administrative Law Judge" (issued April 2, 2013); *In Re: Huxley Family Physicians*, Docket No. FCU-2013-0004, "Order Granting Request for Formal Proceeding and Assigning to Administrative Law Judge" (issued May 23, 2013); *In Re: Hancock County Health Systems*, Docket No. FCU-2013-0005, "Order Granting Request for Formal Proceeding and Assigning to Administrative Law Judge" (issued June 10, 2013); and *In Re: Complaints of Helen Adolphson and Charlotte Skallerup*, Docket No. FCU-2013-0006, "Order Docketing for Formal Proceeding and Assigning to Administrative Law Judge" (issued June 24, 2013).

displayed an incorrect name and number. The Board finds that there are reasonable grounds for further investigation of this complaint.

Further investigation would be useful to learn more about the causes for call failures in this context, where the complainant is the person who originated the call from an Iowa number and a number with a New York City area code displayed on the called party's caller ID with the name "BIDAXIS." (See Consumer Advocate's "Joinder in Staff Request for Formal Proceeding," p. 1, ¶ 1.) Moreover, further investigation would be useful to determine the roles and responsibilities of the various carriers involved in the call path, including Bluetone's underlying carrier, in causing the call to display on a caller ID with an incorrect number and name. If Bluetone continues to assert that the identity of its underlying carrier should be protected from public disclosure, Bluetone may file with the Board a request for confidential treatment of that information, pursuant to Iowa Code § 22.7 and the Board's rules at 199 IAC 1.9(6) and 14.12.

This discussion includes examples of the unanswered questions in this case; further investigation may identify other relevant questions. The Board finds that reasonable grounds have been shown for further investigation. The Board will docket the complaint for a formal proceeding identified as Docket No. FCU-2013-0009 and will assign the matter to its administrative law judge for further proceedings.

### III. ORDERING CLAUSES

#### IT IS THEREFORE ORDERED:

1. Pursuant to Iowa Code § 476.3(1), the Board docketed File No. C-2013-0026 for further investigation. The matter is identified as Docket No. FCU-2013-0009. The issues for investigation are as described in the body of this order and as they may develop during the course of the proceedings.

2. Docket No. FCU-2013-0009 is assigned to Administrative Law Judge Amy L. Christensen for further proceedings, pursuant to Iowa Code § 17A.15 and 199 IAC 7.3.

#### UTILITIES BOARD

/s/ Elizabeth S. Jacobs

/s/ Swati A. Dandekar

ATTEST:

/s/ Joan Conrad  
Executive Secretary

/s/ Nick Wagner

Dated at Des Moines, Iowa, this 1<sup>st</sup> day of July 2013.